

IN RE: DEV. PLAN HEARING & PETITION	* BEFORE THE HEARING OFFICER/
FOR SPECIAL Variance	
E/S Hilton Avenue, 250' SW of	* ZONING COMMISSIONER
c/l Valley View Avenue	
Oak Forest Glen	* OF BALTIMORE COUNTY
1st Election District	
1st Councilmanic District	* Case No. I-282 & 96-94-SA
Brian Macari/Evergreen Homes	
Owner/Developer	*
	* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND VARIANCE ORDER

This matter comes before the Zoning Commissioner/Hearing Officer for a public hearing, pursuant to the authority in Section 26-206.1 of the Baltimore County Code, which allows for a combined hearing for development plan approval and zoning relief filed by Brian Macari, Owner/Developer. The Developer seeks approval of a development plan for the proposed residential community known as Oak Forest Glen, a subdivision of 12 single family houses. As to the zoning relief, a Petition for Special Variance is filed to request an approval pursuant to Section 4A02.4.D and E of the Baltimore County Zoning Regulations (BCZR) to permit 12 building lots as shown on the attached Plat and the Development Plan for Oak Forest Glen.

As to the history of the review of this property through the development review process, a Concept Plan Conference was conducted on January 17, 1995. Subsequently, a Community Input Meeting was held on February 21, 1995, at the Hillcrest Elementary School. Subsequently, a development plan was submitted and a conference was held on July 26, 1995. The combined development plan hearing/Petition for Special Variance was conducted in its entirety on October 16, 1995.

Appearing at the public hearing held for this case was Brian G. Macari, Developer/Petitioner. Also present was Leonard T. Bohager, a licensed land surveyor who prepared the development plan and site plan to accompany the Petition for Special Variance. The Developer/Petitioner was

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 Date 10/26/95
 By [Signature]

RECEIVED

represented by Howard L. Alderman, Jr., Esquire. Numerous residents of the surrounding community appeared in opposition of the request. Among those who testified and participated in the hearing was Sheldon Smith, Mary L. Burton and Nancy Rapa. Also, a significant amount of correspondence was received from members of the community.

Also present were representatives of the various Baltimore County agencies which evaluated the project. These included Chris Rorke, the Project Manager, Catherine Milton and Robert Bowling from the Office of Permits and Development Management, Francis Morsey Ervin from the Office of Planning and Zoning (OPZ), and Larry L. Yeager and Michael S. Kulis, from the Department of Environmental Protection and Resource Management (DEPRM).

The hearing was bifurcated as to the issues presented and the development plan considered initially. That plan shows that the subject property is 6.06 acres and zoned D.R.2. Originally, the property was a part of the larger site which was 8.23 acres in area. However, that tract was subdivided as a minor subdivision and three lots were created. Lot No. 1 is identified as the Molinaro lot and is 1.07 acres in area. It is improved with an existing dwelling known as No. 607 Hilton Avenue. Lot No. 2 is 1.08 acres and is known as the Weiskopt lot. That lot is also improved with a single family dwelling and is known as 609 Hilton Avenue. The balance of the tract is the subject parcel of 6.06 acres. The parcel is roughly rectangular in shape with a stem which connects the developable area of the property to Hilton Avenue. As noted above, the Developer proposes the construction of 12 single family houses adjacent to a proposed cul-de-sac to be known as Oak Forest Glen Court, as shown on the development plan.

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Section 26-206 of the Baltimore County Code requires the Hearing Officer to determine what, if any, development issues are unresolved at the time of the hearing. On behalf of the Developer, counsel proffered that all issues had been resolved and that the plan was in compliance with all development policies, procedures and regulations of Baltimore County.. The representatives of Baltimore County generally corroborated the Developer's proffer. Robert Bowling, from the Development Plans Review Division, indicated that a waiver had been requested by the Developer and was recommended by his agency pursuant to Section 26-172 of the Code. The waiver requests seeks approval for the width of Oak Forest Glen Court to be 24 ft. in paving in lieu of the required 30 ft. The right-of-way will remain 50 ft. as required. Mr. Bowling's office supports the waiver so long as concrete curb and gutters with sidewalks are installed, as fully described in his development plan comment. The waiver shall be granted subject to the requirements of Mr. Bowling's office, as set forth above.

Mr. Bowling also referenced his development plan review comment dated July 19, 1995. A note on page 5 thereof requires an inlet swale system to be installed along the rear of lots 1 through 6 to prevent drainage problems on those lots. Also, on page 6 of the request is language requiring extension of the sewer and the public road near lot No. 1 and the sewer location on lot No. 7. The Developer indicated that the plan would comply with these requirements; thus, that issue is resolved. Other representatives from the reviewing County and State agency indicated that all of their issues were satisfied. Thus, except as limited above, there are no outstanding issues or comments.

As to the community representatives, they raised several issues. Primarily, their concerns relate to storm water management plans and disposal of storm water from the site. Concerns were also expressed as to

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Date

10/26/95

By

M. H. H. H.

esthetics and property values as well as an overcrowding of the school system.

To address these concerns, testimony was received on behalf of the Developer from Mr. Bohager. He testified as to the waiver for the road width discussed by Mr. Bowling and, also, as to other concerns relating to the sewer location. He also described in detail the plans for the storm water management disposal. Apparently, this site and the neighboring properties to the south receive a significant volume of storm water runoff from properties to the north caused by the existing grade. Adjoining neighbors complained of wet basements notwithstanding the fact that the subject site is presently unimproved.

The Developer has proposed three alternatives to dispose of the storm water. Each alternative will satisfy the regulations and requirements promulgated by Baltimore County for this issue. Those regulations mandate that the rate of storm water runoff not be increased and that the stormwater be collected, held and disposed to a suitable outfall. Mr. Bohager described in detail the alternatives. It appears that the first alternative presented is preferable. Under that alternative, water would be collected within a storm water management pond. Subsequently, it would be piped into the existing Patapsco Woods storm drain system and a larger pipe would be installed to handle the increased flow. This system would result in the clearing of fewer trees and appears to be the best approach. If this alternative is approved by the reviewing agencies of Baltimore County, then I shall require the implementation of same as part of the approval of the development plan.

Testimony was also received from Sheldon Smith, Mary Burton and Nancy Rapa. These residents objected to the development and believed that same

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By

10/26/95
M. Bohager

is inappropriate. Some of their concerns were addressed through the testimony of Mr. Bohager and the County representatives who were present.

After reviewing all of the testimony and evidence presented, I am persuaded that the development plan shall be approved as outlined above. The requested waiver for the road width will be approved and the plan shall comply with all development plans and comments including those referenced during Mr. Bowling's testimony. Moreover, the Developer shall perfect its storm water management plan as outlined above, subject to review by Baltimore County.

A distinct issue raised in this case relates to the zoning relief requested in the Petition for Special Variance. This variance is requested pursuant to Section 4A02.4.D.&E. of the BCZR and relates to a traffic issue. These portions of the BCZR relate to the County's maintenance of the basic services maps and its prohibition on additional development when the requisite infrastructure is not available. As applicable to the instant case, the basic services map maintained by the County indicate that the intersection of Valley Road and Rolling Road is operating at a level of service grade "F". This grade has been assigned to this intersection based on traffic counts and other studies undertaken by Baltimore County of traffic levels at that intersection. It is of particular note that the intersection is graded based upon the actual performance of traffic patterns rather than the characteristics of the surrounding locale. That is, the grade is assigned after Baltimore County has investigated and evaluated conditions as they actually exist in the intersection.

Additional building within the shed of the failing intersection is prohibited pursuant to the basic services legislation unless a special variance is requested and received from the Zoning Commissioner. In order for special variance relief to be granted, the Petitioner must satisfy two

standards; (1) that the demand or impact of the development proposed would be less than that assumed by the district standard that would, otherwise, restrict or prohibit the development, or that the standard is not relevant to the development proposal; and (2) that the granting of the Petition will not adversely affect a person whose application was filed prior to the Petitioner's application in accordance with Subsection 4A02.3.G.2.b.

The testimony of Mr. Bohager was that the Petitioner has satisfied the second of these tests. Specifically, the granting of the Petition will not adversely affect any person whose application was filed prior to the Petitioner's application in that there are no pending applications other than that filed by the Petitioner. That is, there are no other persons who have filed an application; thus, the second test is easily met.

In support of the requested variance in addressing the first standard, testimony offered on the Petitioner's behalf was that the Patapsco Woods subdivision is underdeveloped. Specifically, it was testified that a CRG plan was approved for Patapsco Woods on July 3, 1986. That plan allowed for the development of 185 houses as part of the Patapsco Woods development. However, subsequent to the approval of the CRG plan, a portion of the property was conveyed to the State to become part of the Patapsco Valley State Park. As a result of this transfer, 14 fewer homes were constructed. The Developer argues that since these 14 homes were not built, the Petitioner's 12 homes should be allowed.

The Petitioner's logic behind this argument is flawed. As set forth above, the intersection is failing not because of development either existing or proposed in the subject locale but because of actual traffic conditions at the subject intersection. Whether Patapsco Woods is 171 or 185 houses is irrelevant, because the intersection is failing. Thus, a less than full build out of Patapsco Woods is irrelevant.

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By

M. Novak

The exact text of the BCZR in setting forth the standard is confusing. Essentially, the test requires a finding that the impact of the proposed development on the intersection is less than would be assumed by the district standard. Although the language of the statute requires an assumption of the district standard, the section fails to define that term. The district standard is not defined in either Section 4A00 of the BCZR or within the definitions set forth in Section 101 of the BCZR.

In my view, it was the intent of the County Council to require that the Zoning Commissioner evaluate the impact of the proposed development on the subject intersection. If the impact of the proposed development would be less than what would be anticipated, the special variance should be granted. The factors considered in making this determination which necessarily follow are the development's proximity to the intersection, existing and anticipated traffic patterns, the existence of alternative transportation facilities (i.e., light rail), etc.

An examination of the vicinity map attached to the site plan shows that, although the development is within close proximity of the failing intersection as the crow flies, actual vehicular access from the site to the intersection is significantly farther. It appears that the most logical route for a motorists to proceed from the site to the intersection would be to drive north on Hilton Avenue to its intersection with Rolling Road then proceed south on Rolling Road to Valley Road. Several internal residential streets are available to shorten this trip, however, they are not major roadways. It is also obvious that most individuals departing from the subject site would not pass through the failing intersection. Motorists driving toward I-695 and other major arterial roadways would not necessarily utilize the Rolling Road and the Valley Road intersection.

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Based on these factors, it is the opinion of this Zoning Commissioner that the test enunciated above has been satisfied. In my opinion, the traffic patterns, location of the site and configuration of the roadway network makes it clear that traffic volumes and impacts at the proposed intersection from the subdivision will be minimal. For these reasons, I believe that the Petitions for Special Variance should be granted.

While discussing this issue, it is also appropriate to note that the Petition for Special Variance before me presents this issue as it relates to the proposed development for the first time. Correspondence received from a number of the Protestants suggests that the Petitioner is attempting to utilize prior relief which was granted when the original tract was subdivided in three lots. By Order on a Petition for Special Hearing filed at that time, zoning relief was granted for the three lot subdivision which resulted. That grant is not applicable to the proposed development and the Petition for Special Variance which has been discussed above, has been considered independently.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the development plan consistent with the comments set forth above and shall so order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of October, 1995 that the development plan submitted in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Variance, approval from Section 4A02.4.D and E of the Baltimore County

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Date


By

10/26/95
M. H. H. H.

Zoning Regulations (BCZR) to permit 12 building lots as shown on the attached Plat and the Development Plan for Oak Forest Glen, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions, if any, of this opinion and Order and/or the development plan comments.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING

Date

10/26/95

By

M. G. G. G.

RECORDED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 26, 1995

Howard Alderman, Jr., Esquire
Levin and Gann
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: Development Plan Order and Petition for Special Variance
Case No. I-282 and 96-94-SA
Project: Oak Forest Glen
Developer/Applicant: Brian Macari/Evergreen Homes

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order and Petition for Special Variance have been approved.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at the office of Zoning Administration and Development Management (ZADM), at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. Brian Macari, 4 Basswood Ct., Catonsville, Md. 21228
cc: Mr. Leonard T. Bohager, 2741 Ebbvale Road, Manchester, Md. 21102
cc: Mr. Dave Flowers, Project Manager, Office of PADM
cc: Other Reviewing County Agencies
cc: Mr. Sheldon Smith, 712 White Oaks Avenue, Balto.Md. 21228
Mrs. Mary L. Burton 521 Hilton Avenue, Balto.,Md. 21228
Mrs. Nancy Rapa, 10 Scotch Elm Court, 21228
Mr. and Mrs. Marc Fiedler, 8 Sweetgum Ct., 21228

MICROFILMED





SPECIAL

#76

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-94-SA

E/S Hilton Avenue, ²⁶⁰~~251~~ ft. SW of C/1 Valley View

which is presently zoned ^{HA} Avenue DR-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

4A02.4.D. & E. to permit twelve building lots as shown on the attached Plat and the Development Plan for "Oak Forest Glen"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Absent relief, owner will be prohibited from using property for a permitted purpose;
2. Such further justification as will be presented at the hearing on this matter.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr.

Signature

LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

BRIAN MACART

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Four Basswood Court

719-9344

Address

Phone No.

Baltimore, Maryland 21218

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Howard L. Alderman, Jr., Esquire

LEVIN & GANN, P.A.

305 West Chesapeake Avenue, Suite 113

Towson, Maryland 21204

Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

(Unavailable for Hearing)

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

submit w/ Dev. Plan
HUT

2741 EBBVALE ROAD
MANCHESTER, MD 21102
PHONE 239-7229

#70

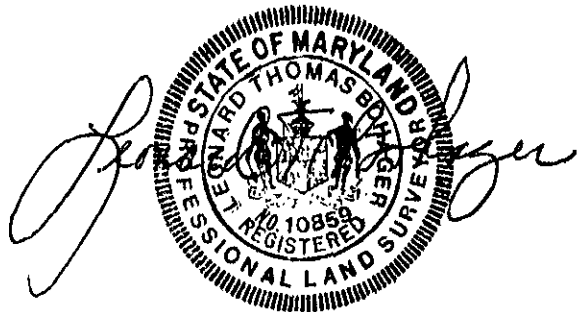
96-94 SA

DESCRIPTION TO ACCOMPANY PETITION FOR
SPECIAL VARIANCE FOR OAK FOREST GLEN
EAST SIDE HILTON AVENUE, 260 FEET SW
OF CENTERLINE VALLEY VIEW AVENUE
1st ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

AUGUST 14, 1995

Beginning for the same in or near the center of Hilton Avenue at a point located 260 feet measured southwesterly from the intersection formed by the centerline of Valley View Avenue and the centerline of Hilton Avenue, thence running and leaving Hilton Avenue, with all courses referred to the Baltimore County Metropolitan District, the following 9 courses and distances:

- 1) South 71°09'40" East 410.13 feet, thence
- 2) North 18°50'26" East 115.40 feet, thence
- 3) South 71°24'14" East 1062.86 feet, thence
- 4) South 36°21'05" West 23.03 feet, thence
- 5) South 77°09'44" West 507.66 feet, thence
- 6) North 70°57'35" West 623.90 feet, thence
- 7) North 18°50'26" East 115.40 feet, thence
- 8) North 71°12'04" West 411.06 feet to a point in or near the center of Hilton Avenue, thence with said road,
- 9) North 19°52'38" East 51.35 feet to the point of beginning. Containing 6.086 acres of land, more or less.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-94

District 1ST

Date of Posting 9/13/95

Posted for: Variance

Petitioner: Oak Forest Glen

Location of property: El's Hutton Ave, S of Valley View Ave

Location of Signs: Facing road way on property, back road

Remarks:

Posted by M. H. H. H.
Signature

Date of return: 9/22/95

Number of Signs: 1

RECEIVED



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-94-SA (Item 70)
E/S. Hilton Avenue, 280 SW
of of Valley View Avenue
Oak Forest Glen

1st Election District
1st Councilman
Legal Owner
Brian M. [redacted]
Hearing: [redacted]
October 18, 1995, 7:00 PM
In Rm. 118, Old Courthouse
Special Verdict to permit 18
building lots, as shown on the
plat and the development plan
for "Oak Forest Glen".

LAWRENCE E. SCHMIDT,
Zoning Commissioner
for Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
special accommodations. Please
Call 887-3353.

(2) For information concerning
the file and/or hearing, please
Call 887-3391.
9/170 Sept. 21.

TOWSON, MD., 9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/21, 1995.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

501002

DATE 8/16/95 ACCOUNT 01-015

Item 70

Taken By: MDK

AMOUNT \$ 285.00

RECEIVED FROM: MacKay, Brian - 1111 Hoo Ave, 200' SW
1111 Hoo Ave, 200' SW

QED - Special Variance - \$250.00
CSO - 1 sign - \$35.00

FOR: \$285.00

96-94-5A

0280280268MTCRC
BA 001144AM08-16-95

\$285.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 70

Petitioner: Brian Macari

Location: East Side of Hilton Avenue, 260 ft. southwest the
centerline of Valley View Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Brian Macari

ADDRESS: Four Basswood Court

Baltimore MD. 21218

PHONE NUMBER: (410) 719-9344

AJ:ggs

(Revised 04/09/93)

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TO: PUTUXENT PUBLISHING COMPANY
September 21, 1995 Issue - Jeffersonian

Please forward billing to:

Howard L. Alderman, Jr., Esq.
305 W. Chesapeake Avenue
#113
Towson, MD 21204
321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-94-SA (Item 70)
E/S Hilton Avenue, 260' SW of c/l Valley View Avenue
Oak Forest Glen
1st Election District - 1st Councilmanic
Legal Owner: Brian Macari

Special Variance to permit 12 building lots, as shown on the plat and the development plan for "Oak Forest Glen".

HEARING: MONDAY, OCTOBER 16, 1995 at 10:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 12, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING

Project Number: I-282

Project Name: Oak Forest Glen

Developer: Brian Macari and Evergreen Homes

Location: E/S Hilton Avenue, S of Valley View Avenue

Acres: 6.06

Proposal: 12 single family dwellings

and

CASE NUMBER: 96-94-SA (Item 70)

E/S Hilton Avenue, 260' SW of c/l Valley View Avenue

Oak Forest Glen

1st Election District - 1st Councilmanic

Legal Owner: Brian Macari

Special Variance to permit 12 building lots, as shown on the plat and the development plan for "Oak Forest Glen".

HEARING: MONDAY, OCTOBER 16, 1995 at 10:30 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Brian Macari
Howard L. Alderman, Jr., Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 12, 1995

Howard L. Alderman, Jr.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

RE: Item No.: 70
Case No.: 96-94-SA
Petitioner: Brian Macari

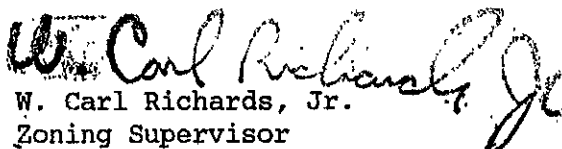
Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 16, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

October 12, 1995

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 6, 1995

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #70 - Oak Forest Glen
E/S Hilton Avenue
Zoning Advisory Committee Meeting of August 28, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with Article X, the Forest Conservation Act.

✓
JLP:MK:sp

OAKFORES/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Sept. 7, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
RWB Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for September 5, 1995
Item No. 070

The Development Plans Review Division has reviewed the subject zoning item. See our comments for the Development Plan Conference of July 26, 1995 and the waiver of Dept. of Public Works standards, dated July 31, 1995 to Arnold Jablon from Thomas Hamer, Deputy Director of Public Works for the Oak Forest Glen subdivision.

The proposed street trees delineated on the plan do not reflect what the ultimate streetscape will be on the final landscape plan.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 1, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 65, 66, 67, 68, 70, 75, 76, 79, 82, 85, 86, 88, 90, and 91¹³

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol Kerns

PK/JL

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/30/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 28, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 66, 67, 68, 69, 70, 71, 73, 74, 75, 77, 79 & 80.

08/30/95

RECEIVED

SEP 5 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-30-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 070 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

10/28/95

CHRIS PORRE

To:

~~Robert [unclear]~~

Re: Oak Forest Glen
I-282

The ORDER is in and
dated 10/26/95. We
await the 10 HOH
plans —

SP
B Carol Brown

MICROFILMED

(Carol - is return)

+ Case No.
96-94 SA
waiver of PW
Standards



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 13, 1995

Clifton J. and E. Annette March
14626 Manor Road
Phoenix, MD 21131

Re: March Property - PDM No. X-329

Dear Mr. and Ms. March:

The Development Plan Conference and the Hearing Officer's Hearing have been scheduled on the above referenced project. Please arrange to attend this meeting with appropriate representation.

Development Plan Conference:

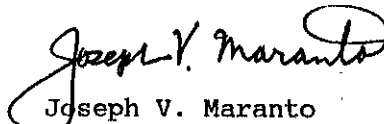
Day and Date: Wednesday, October 25, 1995
Time: 9:00 a.m.
Place: PDM/Development Management Conference Room
County Office Building - Room 123
111 West Chesapeake Ave., Towson, MD 21204

Hearing Officer's Hearing

Day and Date: Wednesday, November 15, 1995
Time: 9:00 a.m.
Place: County Office Building - Room 123
111 W. Chesapeake Ave., Towson, MD 21204

A copy of a public notification letter of the Development Plan Conference and Hearing Officer's Hearing is attached for your convenience. Please note that it is the developer's responsibility to send a copy of the development plan and notify all interested parties of the conference and hearing.

Respectfully,


Joseph V. Maranto
Project Manager

JVM:ggl
Enc.
c: McKee & Associates, Inc.
CAVESFOR/ZADM/TXTGGL



October 16, 1995

Arnold Jablon
Director
Baltimore County Department
of Permits and Development Management
County Office Building
111 West Chesapeake Ave.
Towson, Maryland 21204

Re: Oak Forest Glen, Project I-282
Case Number 96-94-SA (Item 70)

Dear Mr. Jablon,

I am against granting either a waiver for development, or, a special variance to permit 12 building lots as petitioned by Brian Macari and Evergreen Homes.

This site was subject of a special variance based on hardship in June 1994.

The community was informed when this variance was granted for hardship purposes that the owner desired to sub-divide the property into three (3) building lots. This decision was pursued despite existing zoning (DR-2). The exemption (special variance) granted from the building moratorium permitted development of three (3) lots. The community received the decision with the same understanding the owner, or any potential owners should have understood; three (3) building lots, not twelve (12). As a matter of fact, community residents adjacent to the property relied heavily on the fact that the special variance, once granted, provided for development of only three (3) lots. Relying on this information most residents did not oppose the special variance, expecting three (3) lots would be developed.

Immediately subsequent to the special variance, Brian Macari became owner of the property and proceeded with a project to build twelve (12) homes on the property.

The granting of the instant petition for special variance would effectively allow the current owner to "bootstrap" a public policy decision based on hardship into a development project four (4) times greater in size and profit. This effort is being pursued at a time when circumstances giving rise to the moratorium have not abated. The only decision is to deny the request.

This project will undoubtedly have a cumulative effect on existing problems that brought about the moratorium.

MICROFILMED

Letter - Arnold Jablon
Re: Special Variance - Oak Forest Glen
Case Number 96-94-SA (Item 70)
Project Number I-282
October 15, 1995
Page Two (2)

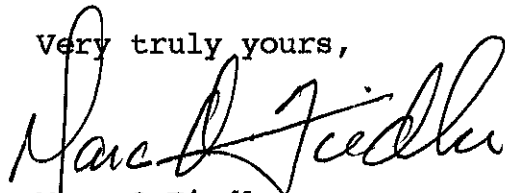
Further, the developer has not adequately addressed the storm water management problem that will be created should the variance be granted. He acknowledges the proposed location of the pond is not the "logical place". Yet the pond is proposed at a location on the site only forty (40') feet from the living quarters of two (2) residences where it will have limited, if any, use in managing the runoff from this site.

Absolutely no consideration exists in the petitioner's plan for alternatives that would alter even one (1) of the twelve (12) lots he so vehemently holds onto in his request for a "special variance". This "cram it all in" design presents an omnimous and irreversible consequence on adjacent properties. Where is the consideration for overall public policy. This is a build at all cost strategy without compelling justification that should not be allowed at all.

I urge rejection of this request for a special variance.

Thank you for you consideration in this matter.

Very truly yours,



Marc O. Fiedler
8 Sweetgum Court
Catonsville, Maryland 21228

cc: Brian Macari
Evergreen Homes

County Council
1st District

Road warriors

Perception of traffic driven to distraction

BY BARBARA GUARDINO

It seems that the squeaky wheel doesn't necessarily get the oil, especially when it comes to complaints of dangerous intersections and other traffic matters.

Still, Catonsville residents, many who have been complaining for years about problematic traffic, have redoubled their efforts. Some say they have been spurred forward by last month's tragic accident on Woodlawn Drive, when five members of an extended family were killed by a speeding driver during a morning rush hour.

Complaints have mainly focused along state-owned Frederick Road and county-owned Edmondson Avenue. Community organizations and small groups of residents have convened to discuss what to do. State and county legislators, who inherited the problems, are learning what the issues are.

"We (legislators) are keeping in contact with each other so we won't duplicate one another's efforts," said State Sen. Ed Kase-meyer, who is working with the State Highway Administration to improve the intersection of Frederick and S. Rolling Road.

The number of recorded injury accidents between the Beltway and North Rolling Road has actually declined slightly since the Traffic Analysis division of the Baltimore County Police Department began keeping records in

1987. (See related chart.) Police don't keep track of non-injury accidents.

Still, traffic-related issues are one of the main constituent complaints to the office of District 1 County Councilman Sam Moxley.

"We get requests from people to look into different intersections on a daily basis," said Moxley's aide, Rose Edwards.

A bleak record of results in the last decade has fueled the public's frustration.

For example, developer Steve Whalen lobbied for a traffic signal at the intersection of Frederick and Delrey roads back in 1984. The state nixed the idea, reasoning that the intersection is too close to the Beltway exit, and would actually cause accidents.

The 1989 Master Plan intended a traffic study to be made on Rolling Road. It never occurred, said former County Councilwoman Berchie Manley.

In 1991, in response to gridlock caused by development, Manley requested a traffic study along S. Rolling Road, Frederick Road and Route 40. The request was denied, so a group of 50 volunteers did the job themselves. The grassroots study generated publicity, but nothing came of the results, Manley said.

The intersection of S. Rolling and Valley roads near Catonsville Community College was rated "failed" in 1992. The state scheduled an upgrade in 1994, but it hasn't happened.

Catonsville 2000, incorporated in the late 1980s to revitalize The Village section of Frederick Road just west of the Beltway, recognizes that traffic patterns are vital to the success of existing businesses.

Last April, the County Council funded a project to study infrastructure and streetscaping along Frederick Road. Unfortunately, says Catonsville 2000 President Mike Carey, it's "not enough money to do a whole lot about traffic."

Streetwise activists

Not every traffic complaint has gone unheeded. Two years ago, the State Highway Administration completed a project to widen Frederick Road from Devere Road to the Five Oaks Swim Club.

This fall, a blinking yellow light will be activated in front of Hillcrest Elementary School to protect children who cross Frederick Road while walking to and from school.

That pleases Brian Morrison, whose children attend Hillcrest. It took him two years to obtain that result. But, Morrison remains concerned about speeding problems along Frederick Road.

Morrison, and a group of community activists led by Dick Johnson, met with legislators at Hillcrest school. Johnson is investigating possible solutions, including "traffic calming humps" similar to those used in Howard County, and warning signs.

Meanwhile, Beaumont Avenue resident Paul Mignini circulated a petition to place a stop light on the corner and Beaumont and Frederick, between the Catonsville Library and the Knights of Columbus Hall. Mignini has taken photographs of illegally parked vehicles that block visibility and cause hazardous traffic conditions.

Oakdale Avenue resident Sharon Gustin launched a letter writing campaign concerning the left turn onto Edmondson Avenue. Gustin, who knows of "three serious accidents in a year's time," complains that a concrete wall blocks drivers' view.

In addition, Gustin says, drivers headed west travel "far in excess of the speed limit," making it dangerous for children and others who use the crosswalk to across the street to shop.



COPs hit street for unified Night Out

BY SEANA KELLY-COFFIN

The blinking red, white, blue and yellow lights on Aug. 1 gave the Beltway the feel of a mobile city.

A caravan of more than 40 cars representing Citizen of Patrol groups from around Baltimore County, plus a police escort, was intended to send out a message to anyone who would disturb the peace: You are not welcome.

Although National Crime Night Out is officially celebrated just one night a year, members of COP reinforce this message each time they step inside their cars.

"It's a sort of solidarity," said Bill Kaplan, vice president of the non-profit council started by Phyllis Oppenheim. Kaplan, a member of the Colonial Village/Millbrook COP, continued, "We want to show the community that we can get out and empower ourselves. We want to work with the police. We aren't vigilantes."

Week after week, members of the COP organizations take to the roads in cars adorned with pizza delivery-type roof signs and/or blinking yellow lights. Their mission is to help police by cruising the streets on watch for any trouble.

For many, the reasons for joining and becoming members of the patrol are the same: The desire to stay in their neighborhoods and to make a stand to ensure the safety of their family.

Martin Manescu started the Paradise COP last year following a rash of car break-ins. Today, he's out there with about 15 volunteers.

"I feel it's important," he says. "It's had an impact. The community involvement in conjunction with the support from Wilkens (precinct) has been phenomenal."

Slowly, groups from around the county began lining up in their cars last week on the parking lot of Westview Mall.

From Campus Hills in Towson to the Village of Queen Anne on the east side, they came to drive together along the Beltway to participate in a rally at Dundalk.

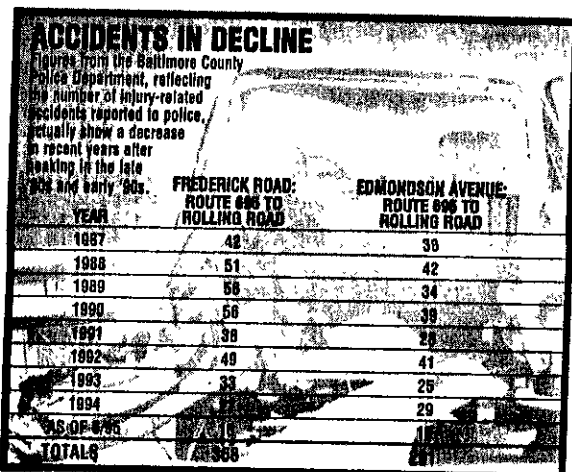
By the time they left the parking lot and journeyed onto I-695 — led by six uniformed officers on motorcycles — the caravan was miles long.

According to Officer John Reginaldi from the police community resources department, next year's turnout could even be larger considering the number of groups applying.

So far, he said, some 77 groups have applied for the \$100,000 in grants to be distributed for COP organizations. About 10 of those groups hail from the southwest portion of the county. While established groups are requesting funds for additional radios and signs, new groups need funds to get started.

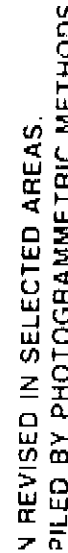
Charlene Owings, president of the Westview Park Community Association, said that without these funds it would prevent the association's COP from assisting the police.

"We are just trying to make the community feel more comfortable," she says. "We have an older community. ... I can see a difference. I can see the groups moving on when we pass."



SOURCE: BALTIMORE COUNTY POLICE DEPARTMENT

INFOGRAPHIC BY EILEEN STRAW



10-02, 107-02, 108-92, 109-92

DATE OF PHOTOGRAPHY
JANUARY

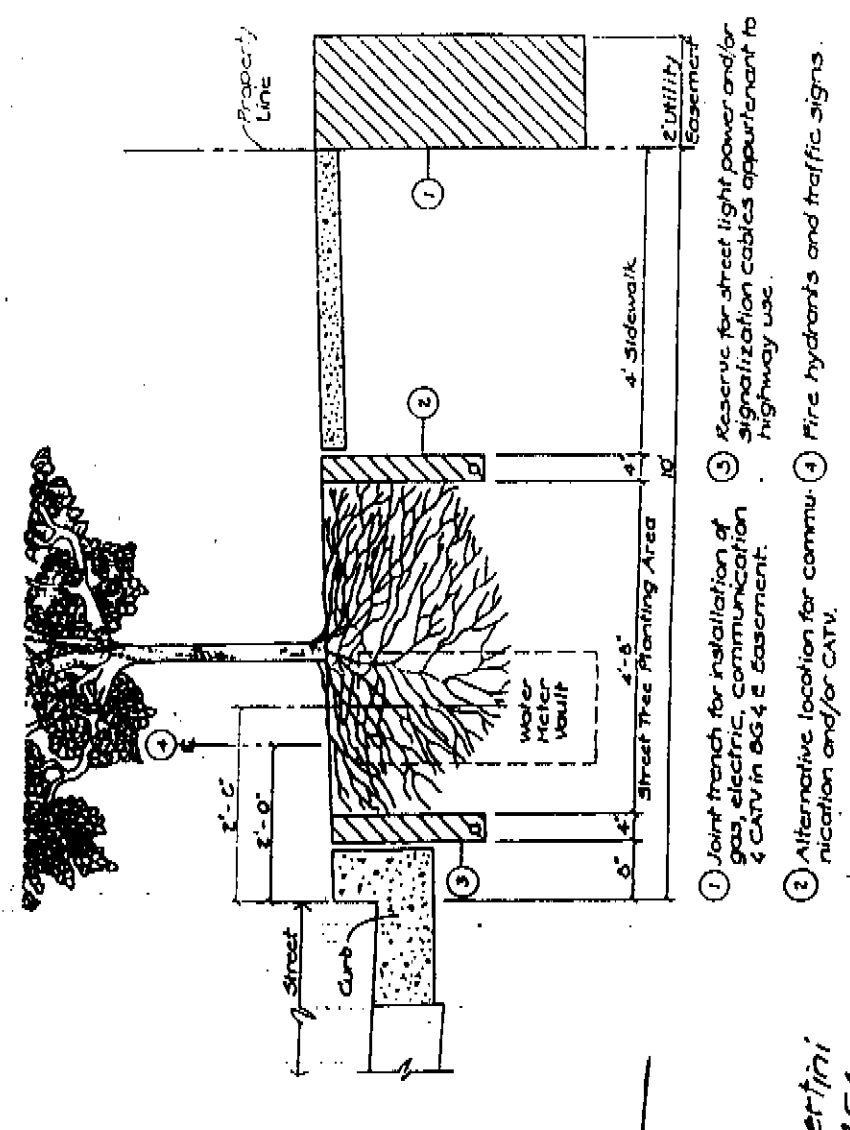
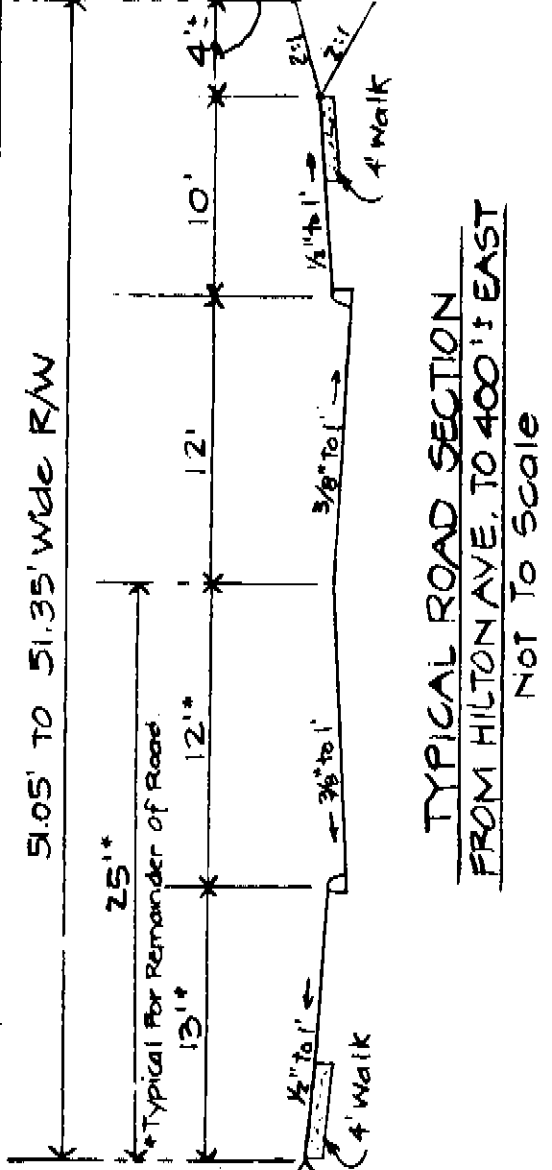
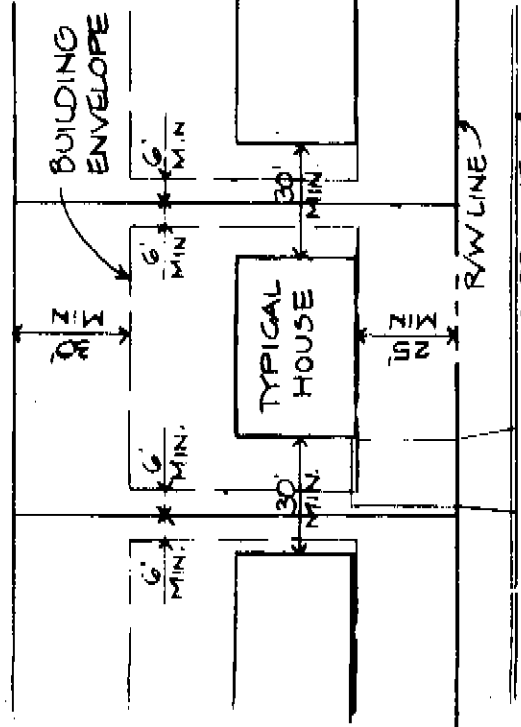
96-94-5A

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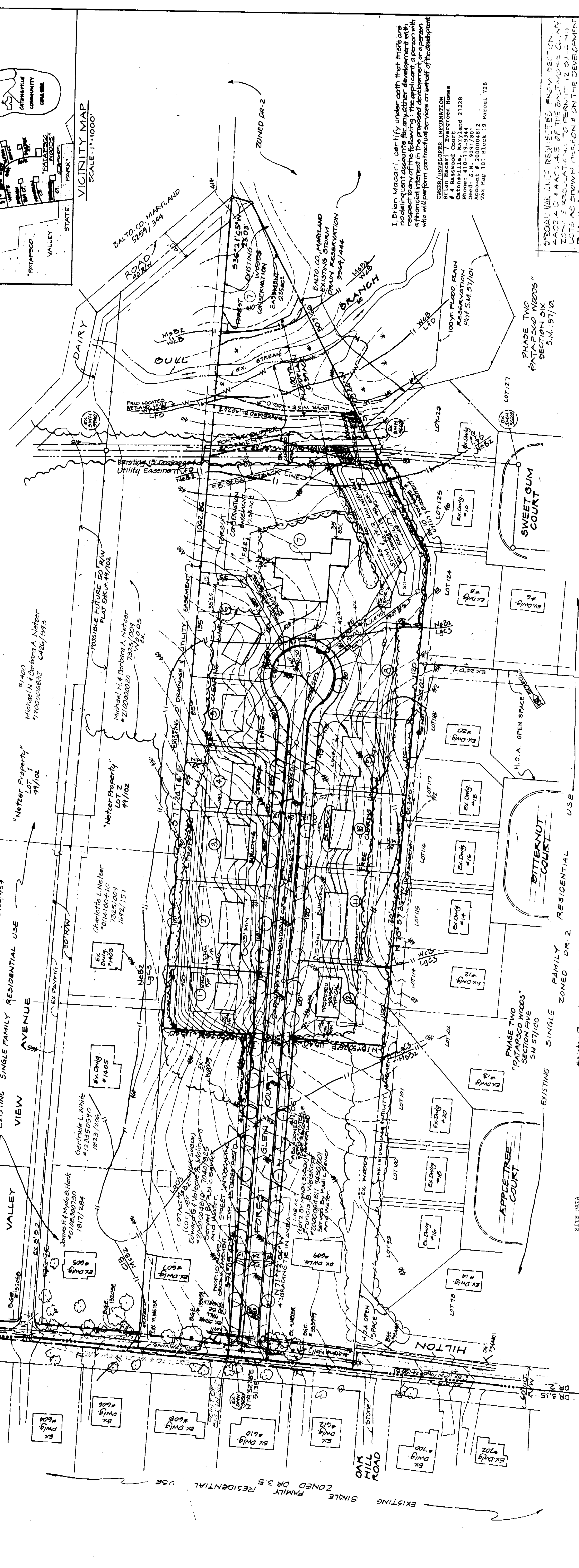
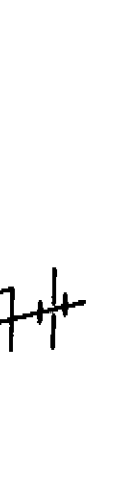
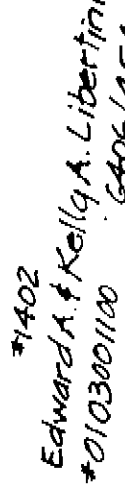


DENSITY CALCULATION:

Zoning = UR 2
 SITE PROPOSED = $6.06 \text{ AC} \times 2 = 12.12$
 Molting (Lot 1 Minor Sub) = $1.07 \text{ AC} \times 2 = 2.14$
 Weiskopf (Lot 2 Minor Sub) = $1.08 \text{ AC} \times 2 = 2.16$
 TOTAL FOR ORIGINAL SITE = $0.23 \text{ AC} \times 2 = 0.46$

PLANTING UNIT CALCULATIONS

900' of Interior Road	÷ 20 =	45 P.U.'s
500' of Class 'A' Screen (Lots 6071 + 6074)	÷ 15 =	33 P.U.'s
350' of SWMA Facility	÷ 15 =	23 P.U.'s
TOTAL PLANTING UNITS REQUIRED =		101



*Note: Prior to Record Plat, the existing septic system shall be pumped and removed or backfilled by a licensed contractor.

There are no known wells or septic systems on site, except as shown.

Local Open Space Type	Acres
Total Open Space Not Required	- - - -
New Open Space	- - - -
Open Space	- - - -
Forest Land	- - - -
Roadway Right-of-Way	- - - -
Trail and Corridors	- - - -
Other	- - - -
Total Provided	- - - -
Proposed Ownership	- - - -

Zone	Acres	Units Allowed	Units Proposed
DR-2	60.5	12	12
Total	60.5	12	12

Dwelling type	Proposed Units	Planning Required	Variation Provided	Open Space Provision	Average Daily Space	Phase Development Schedule
Sixty One Dwellings	12	24	24	0	120	-
Total	12	24	24	0	120	-

Site subject of previous Minor Subdivision dated 6/7/85
Site subject of Zoning Case # 9, 456 SA granted 6/7/94
No variance from Sections 4 A02.4, 4 and 4 A02.1.12 of
this Ordinance is requested for this subdivision in a traffic mortality area.
No other special provisions, exceptions, or hearings appear
necessary for this variance.
Valley of Public Works Standards is requested to allow a 24' x 40' Wide Minor Residential Street with a turning on/diamond only for 180°
Forest Buffer variance may be required for SWA outfall. Alternatives
Analysis has been submitted.

Owner/Applicant: The Baltimore County Department of Planning, 44 Baswood Court, Baltimore, Maryland 21206, Phone: 410-386-2000, Fax: 410-386-2001

Site: S.M. 9091701, A.C.C. # 2000094832, Map 101 Block 19

Site Location:
Election District 1, Councilmanic District 1, Watershed Planning District No. 76, Census Tract 4004 01, Regional Planning Information System, Baltimore County - Catonsville 16.

General Information:
A. Soil Information: The subject run, timbers District 16.
B. Soil Information: The subject run, timbers District 16.
C. Property outline from plat prepared by J.S.V. Engineering, Inc.
D. Existing zoning - DR 1, provided on site.
E. Existing land use within 200' of site is single family residential.
F. Surrounding property owned.
G. Steep slopes/croable fields analyzed and approved by D.E.P.R.M.
H. Steep slopes/croable fields analyzed and approved by D.E.P.R.M.
I. Steep slopes/croable fields analyzed and approved by D.E.P.R.M.
J. Distribution of wet areas, grading, construction of wet areas, as permitted by the Baltimore County Department of Environmental and Resource Management.
K. Any environmental, historical and resource management protective covenants which may be found on the subject property of Baltimore County and which restrict disturbance and development.
L. There are no official maps, archeological sites, endangered species habitats, hazardous waste materials, or other special areas within the site boundaries.
M. Landscaping shown is found within the site boundaries.
N. Landscaping will comply with the Baltimore County Landscape Manual.
O. The subject property is not subject to any special districts of which must be approved by the Environmental and Resource Management Division and the D.E.P.R.M. Bureau of Engineering Services.
P. This development plan is in compliance with the B.C.C.R. especially Sections 1801.1, 1801.2, and 1801.3.

DEBIT COUNTER INFORMATION		Acct. Number	Debit
RE TRADE COUNTER:			
Thomas & Kaye S. Norhouse	2100001604	9489/1/4	94/27/39
Donald M. & Marcia S. Norhouse	2100001600	9452/7/39	94/27/39
Frank & Ann M. Christopher	2100001601	84/37/35	84/37/35
Frank & Ann M. Christopher	2100001602	84/38/19	84/38/19
Edward & Mary M. Battilinsk	2100001603	84/42/35	84/42/35
REBUILT COUNTER:			
Paul & Mary E. Ellis J. Allen	2100001616	100/27/31	100/27/31
Brian E. & Joan B. Bennett	2100001617	90/39/31	90/39/31
Mark E. & Joan B. Bennett	2100001618	90/39/31	90/39/31
Phillip A. Rowe	2100001619	91/56/28	91/56/28
Robert A. & Mary E. Whiteley	2100001620	90/56/39	90/56/39

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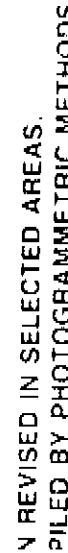
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Daniel & Mary X. Christopher	27000001601	8437/35
Triantafyllos & Angeliki Karriarose	27000001602	8437/35

Edward & Ann M. Bartlinski	2100001603	8442/53
PERNUT COURT:		
Paul X. & Francis J. Allen	21000001616	10072/53
Brian E. & Mary E. Coyle	2100001817	10008/63
Mark E. & Joan H. Bendann	2100001678	9039/33
Phillip E. & Joyce		

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2100001619	2100001619	2100001620	9459/14	2100001634	Mark O. & Anne N. Fiedler
			9329/66	2100001635	John & Kathleen E. Sheldner
					Lawrence & Patricia

ON AVENUE:	
Elmer J. & Bernice G. Morzberger	0113751860
Lyle L. & Margaret Boltinghouse	010571191
Charles J. & Catherine Greenwalt	010581120
Philip L. & Patricia Rausenberger	0118000880
Countess	582411195
2100001636	933377769

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10-02, 107-02, 108-92, 109-92

DATE OF PHOTOGRAPHY
JANUARY

96-94-5A

SHEET

6-4

MS.

14

IN RE: DEV. PLAN HEARING & PETITION FOR SPECIAL VARIANCE
E/S Hilton Avenue, 250' SW of
C/L Valley View Avenue
Oak Forest Glen
1st Election District
1st Councilmanic District
Brian Macari/Evergreen Homes
Owner/Developer

* BEFORE THE HEARING OFFICER/
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. I-282 & 96-94-SA

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND VARIANCE ORDER

This matter comes before the Zoning Commissioner/Hearing Officer for a public hearing, pursuant to the authority in Section 26-206.1 of the Baltimore County Code, which allows for a combined hearing for development plan approval and zoning relief filed by Brian Macari, Owner/Developer. The Developer seeks approval of a development plan for the proposed residential community known as Oak Forest Glen, a subdivision of 12 single family houses. As to the zoning relief, a Petition for Special Variance is filed to request an approval pursuant to Section 4A02.4.D and E of the Baltimore County Zoning Regulations (BCZR) to permit 12 building lots as shown on the attached Plat and the Development Plan for Oak Forest Glen.

As to the history of the review of this property through the development review process, a Concept Plan Conference was conducted on January 17, 1995. Subsequently, a Community Input Meeting was held on February 21, 1995, at the Hillcrest Elementary School. Subsequently, a development plan was submitted and a conference was held on July 26, 1995. The combined development plan hearing/petition for Special Variance was conducted in its entirety on October 16, 1995.

Appearing at the public hearing held for this case was Brian G. Macari, Developer/Petitioner. Also present was Leonard T. Bohager, a licensed land surveyor who prepared the development plan and site plan to accompany the Petition for Special Variance. The Developer/Petitioner was

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Date 10/26/95
By [Signature]

represented by Howard L. Alderman, Jr., Esquire. Numerous residents of the surrounding community appeared in opposition of the request. Among those who testified and participated in the hearing was Sheldon Smith, Mary L. Burton and Nancy Rapa. Also, a significant amount of correspondence was received from members of the community.

Also present were representatives of the various Baltimore County agencies which evaluated the project. These included Chris Rorke, the Project Manager, Catherine Milton and Robert Bowling from the Office of Permits and Development Management, Francis Morsey Ervin from the Office of Planning and Zoning (OPZ), and Larry L. Yeager and Michael S. Kulis, from the Department of Environmental Protection and Resource Management (DEPRM).

The hearing was bifurcated as to the issues presented and the development plan considered initially. That plan shows that the subject property is 6.06 acres and zoned D.R.2. Originally, the property was a part of the larger site which was 8.23 acres in area. However, that tract was subdivided as a minor subdivision and three lots were created. Lot No. 1 is identified as the Molinaro lot and is 1.07 acres in area. It is improved with an existing dwelling known as No. 607 Hilton Avenue. Lot No. 2 is 1.08 acres and is known as the Weiskopt lot. That lot is also improved with a single family dwelling and is known as 609 Hilton Avenue. The balance of the tract is the subject parcel of 6.06 acres. The parcel is roughly rectangular in shape with a stem which connects the developable area of the property to Hilton Avenue. As noted above, the Developer proposes the construction of 12 single family houses adjacent to a proposed cul-de-sac to be known as Oak Forest Glen Court, as shown on the development plan.

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By [Signature]

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Section 26-206 of the Baltimore County Code requires the Hearing Officer to determine what, if any, development issues are unresolved at the time of the hearing. On behalf of the Developer, counsel proffered that all issues had been resolved and that the plan was in compliance with all development policies, procedures and regulations of Baltimore County. The representatives of Baltimore County generally corroborated the Developer's proffer. Robert Bowling, from the Development Plans Review Division, indicated that a waiver had been requested by the Developer and was recommended by his agency pursuant to Section 26-172 of the Code. The waiver requests seeks approval for the width of Oak Forest Glen Court to be 24 ft. in paving in lieu of the required 30 ft. The right-of-way will remain 50 ft. as required. Mr. Bowling's office supports the waiver so long as concrete curb and gutters with sidewalks are installed, as fully described in his development plan comment. The waiver shall be granted subject to the requirements of Mr. Bowling's office, as set forth above.

Mr. Bowling also referenced his development plan review comment dated July 19, 1995. A note on page 5 thereof requires an inlet swale system to be installed along the rear of lots 1 through 6 to prevent drainage problems on those lots. Also, on page 6 of the request is language requiring extension of the sewer and the public road near lot No. 1 and the sewer location on lot No. 7. The Developer indicated that the plan would comply with these requirements; thus, that issue is resolved. Other representatives from the reviewing County and State agency indicated that all of their issues were satisfied. Thus, except as limited above, there are no outstanding issues or comments.

As to the community representatives, they raised several issues. Primarily, their concerns relate to storm water management plans and disposal of storm water from the site. Concerns were also expressed as to

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Date 10/26/95
By [Signature]

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aesthetics and property values as well as an overcrowding of the school system.

To address these concerns, testimony was received on behalf of the Developer from Mr. Bohager. He testified as to the waiver for the road width discussed by Mr. Bowling and, also, as to other concerns relating to the sewer location. He also described in detail the plans for the storm water management disposal. Apparently, this site and the neighboring properties to the south receive a significant volume of storm water runoff from properties to the north caused by the existing grade. Adjoining neighbors complained of wet basements notwithstanding the fact that the subject site is presently unimproved.

The Developer has proposed three alternatives to dispose of the storm water. Each alternative will satisfy the regulations and requirements promulgated by Baltimore County for this issue. Those regulations mandate that the rate of storm water runoff not be increased and that the stormwater be collected, held and disposed to a suitable outfall. Mr. Bohager described in detail the alternatives. It appears that the first alternative presented is preferable. Under that alternative, water would be collected within a storm water management pond. Subsequently, it would be piped into the existing Patapsco Woods storm drain system and a larger pipe would be installed to handle the increased flow. This system would result in the clearing of fewer trees and appears to be the best approach. If this alternative is approved by the reviewing agencies of Baltimore County, then I shall require the implementation of same as part of the approval of the development plan.

Testimony was also received from Sheldon Smith, Mary Burton and Nancy Rapa. These residents objected to the development and believed that same

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By [Signature]

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is inappropriate. Some of their concerns were addressed through the testimony of Mr. Bohager and the County representatives who were present.

After reviewing all of the testimony and evidence presented, I am persuaded that the development plan shall be approved as outlined above. The requested waiver for the road width will be approved and the plan shall comply with all development plans and comments including those referenced during Mr. Bowling's testimony. Moreover, the Developer shall perfect its storm water management plan as outlined above, subject to review by Baltimore County.

A distinct issue raised in this case relates to the zoning relief requested in the Petition for Special Variance. This variance is requested pursuant to Section 4A02.4.D & E of the BCZR and relates to a traffic issue. These portions of the BCZR relate to the County's maintenance of the basic services maps and its prohibition on additional development when the requisite infrastructure is not available. As applicable to the instant case, the basic services map maintained by the County indicate that the intersection of Valley Road and Rolling Road is operating at a level of service grade "F". This grade has been assigned to this intersection based on traffic counts and other studies undertaken by Baltimore County of traffic levels at that intersection. It is of particular note that the intersection is graded based upon the actual performance of traffic patterns rather than the characteristics of the surrounding locale. That is, the grade is assigned after Baltimore County has investigated and evaluated conditions as they actually exist in the intersection.

Additional building within the shed of the failing intersection is prohibited pursuant to the basic services legislation unless a special variance is requested and received from the Zoning Commissioner. In order for special variance relief to be granted, the Petitioner must satisfy two

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By [Signature]

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standards; (1) that the demand or impact of the development proposed would be less than that assumed by the district standard that would, otherwise, restrict or prohibit the development, or that the standard is not relevant to the development proposal; and (2) that the granting of the Petition will not adversely affect a person whose application was filed prior to the Petitioner's application in accordance with Subsection 4A02.3.G.2.b.

The testimony of Mr. Bohager was that the Petitioner has satisfied the second of these tests. Specifically, the granting of the Petition will not adversely affect any person whose application was filed prior to the Petitioner's application in that there are no pending applications other than that filed by the Petitioner. That is, there are no other persons who have filed an application; thus, the second test is easily met.

In support of the requested variance in addressing the first standard, testimony offered on the Petitioner's behalf was that the Patapsco Woods subdivision is underdeveloped. Specifically, it was testified that a CRG plan was approved for Patapsco Woods on July 3, 1986. That plan allowed for the development of 165 houses as part of the Patapsco Woods development. However, subsequent to the approval of the CRG plan, a portion of the property was conveyed to the State to become part of the Patapsco Valley State Park. As a result of this transfer, 14 fewer homes were constructed. The Developer argues that since these 14 homes were not built, the Petitioner's 12 homes should be allowed.

The Petitioner's logic behind this argument is flawed. As set forth above, the intersection is failing not because of development either existing or proposed in the subject locale but because of actual traffic conditions at the subject intersection. Whether Patapsco Woods is 171 or 185 houses is irrelevant, because the intersection is failing. Thus, a less than full build out of Patapsco Woods is irrelevant.

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By [Signature]

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The exact text of the BCZR in setting forth the standard is confusing. Essentially, the test requires a finding that the impact of the proposed development on the intersection is less than would be assumed by the district standard. Although the language of the statute requires an assumption of the district standard, the section fails to define that term. The district standard is not defined in either Section 4A00 of the BCZR or within the definitions set forth in Section 101 of the BCZR.

In my view, it was the intent of the County Council to require that the Zoning Commissioner evaluate the impact of the proposed development on the subject intersection. If the impact of the proposed development would be less than what would be anticipated, the special variance should be granted. The factors considered in making this determination which necessarily follow are the development's proximity to the intersection, existing and anticipated traffic patterns, the existence of alternative transportation facilities (i.e., light rail), etc.

An examination of the vicinity map attached to the site plan shows that, although the development is within close proximity of the failing intersection as the crow flies, actual vehicular access from the site to the intersection is significantly farther. It appears that the most logical route for a motorists to proceed from the site to the intersection would be to drive north on Hilton Avenue to its intersection with Rolling Road then proceed south on Rolling Road to Valley Road. Several internal residential streets are available to shorten this trip, however, they are not major roadways. It is also obvious that most individuals departing from the subject site would not pass through the failing intersection. Motorists driving toward I-695 and other major arterial roadways would not necessarily utilize the Rolling Road and the Valley Road intersection.

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Date 10/26/95
By [Signature]

- 7 -

Based on these factors, it is the opinion of this Zoning Commissioner that the test enunciated above has been satisfied. In my opinion, the traffic patterns, location of the site and configuration of the roadway network makes it clear that traffic volumes and impacts at the proposed intersection from the subdivision will be minimal. For these reasons, I believe that the Petitions for Special Variance should be granted.

While discussing this issue, it is also appropriate to note that the Petition for Special Variance before me presents this issue as it relates to the proposed development for the first time. Correspondence received from a number of the Protestants suggests that the Petitioner is attempting to utilize prior relief which was granted when the original tract was subdivided into three lots. By Order on a Petition for Special Hearing filed at that time, zoning relief was granted for the three lot subdivision which resulted. That grant is not applicable to the proposed development and the Petition for Special Variance which has been discussed above, has been considered independently.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the development plan consistent with the comments set forth above and shall so order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of October, 1995 that the development plan submitted in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Variance, approval from Section 4A02.4.D and E of the Baltimore County

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Date 10/26/95
By [Signature]

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Zoning Regulations (RCZR) to permit 12 building lots as shown on the attached Plat and the Development Plan for Oak Forest Glen, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions, if any, of this opinion and Order and/or the development plan comments.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 9/26/95
By Th. Gork

Baltimore County Government
Zoning Commission
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 26, 1995

Howard Alderman, Jr., Esquire
Levin and Gann
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: Development Plan Order and Petition for Special Variance
Case No. 1-282 and 96-94-SA
Project: Oak Forest Glen
Developer/Applicant: Brian Macari/Evergreen Homes

Dear Mr. Alderman:

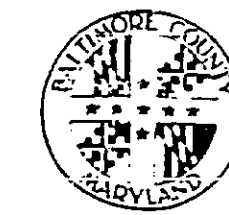
Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order and Petition for Special Variance have been approved.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at the office of Zoning Administration and Development Management (ZADM), at 887-3353.

Very truly yours,
Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm

att.
cc: Mr. Brian Macari, 4 Basswood Ct., Catonsville, Md. 21228
cc: Mr. Leonard T. Bohager, 2741 Ebbvale Road, Manchester, Md. 21102
cc: Mr. Dave Flowers, Project Manager, Office of PDM
cc: Other Reviewing County Agencies
cc: Mr. Sheldon Smith, 712 White Oaks Avenue, Balto., Md. 21228
cc: Mrs. Mary L. Burton 521 Hilton Avenue, Balto., Md. 21228
cc: Mrs. Nancy Rapa, 10 Scotch Elm Court, 21228
cc: Mr. and Mrs. Marc Fiedler, 8 Sweetgum Ct., 21228



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 260 E/S Hilton Avenue, 260' SW of c/l Valley View Avenue
96-94-SA which is presently zoned DR-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto, hereby petition for a Variance from Section(s) 4A02.4.D.4 & E. to permit twelve building lots as shown on the attached Plat and the Development Plan for "Oak Forest Glen".

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty.)
1. Absent relief, owner will be prohibited from using property for a permitted purpose;

2. Such further justification as will be presented at the hearing on this matter.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lease:

Type or Title Name

Signature

Address

City

Attorney for Petitioner

Signature

Address

City

State

Zip

Telephone

Attorney's Phone No.

Estimated Length of Hearing

Other

Reviewed By

Date

LEGAL OWNER(S)
Name
Address
City
State
Zip
Telephone

Signature

Address

City

State

Zip

Telephone

Attorney's Phone No.

Estimated Length of Hearing

Other

Reviewed By

Date

Signature

Address

City

State

Zip

Telephone

Attorney's Phone No.

Estimated Length of Hearing

Other

Reviewed By

Date

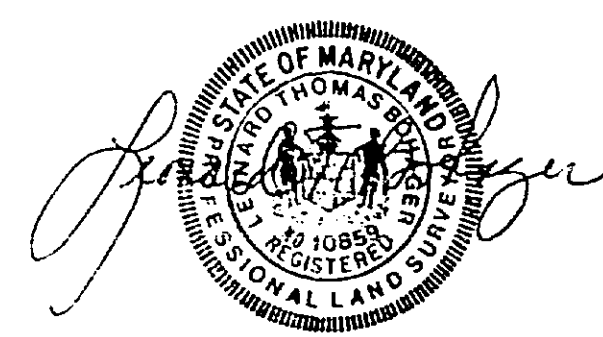
TB & ASSOCIATION
ENGINEERING • SURVEYING • LAND PLANNING CONSULTANTS

2741 EBBVALE ROAD
MANCHESTER, MD 21102
PHONE 239-7229

DESCRIPTION TO ACCOMPANY PETITION FOR
SPECIAL VARIANCE FOR OAK FOREST GLEN
EAST SIDE HILTON AVENUE, 260 FEET SW
OF CENTERLINE VALLEY VIEW AVENUE
1st ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

AUGUST 14, 1995

Beginning for the same in or near the center of Hilton Avenue at a point located 260 feet measured southwesterly from the intersection formed by the centerline of Valley View Avenue and the centerline of Hilton Avenue, thence running and leaving Hilton Avenue, with all courses referred to the Baltimore County Metropolitan District, the following 9 courses and distances:
1) South 71°09'40" East 410.13 feet, thence
2) North 18°50'26" East 115.40 feet, thence
3) South 71°24'14" East 1062.86 feet, thence
4) South 36°21'05" West 23.03 feet, thence
5) South 77°09'44" West 507.66 feet, thence
6) North 70°57'35" West 623.90 feet, thence
7) North 18°50'26" East 115.40 feet, thence
8) North 71°12'04" West 411.06 feet to a point in or near the center of Hilton Avenue, thence with said road,
9) North 19°52'38" East 51.35 feet to the point of beginning. Containing 6.086 acres of land, more or less.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 1A Date of Posting 9/27/95

Posted for: Variance

Petitioner: Oak Forest Glen

Location of property: 260 E/S Hilton Ave., 260' SW of Valley View Ave.

Location of Sign: 260 E/S Hilton Ave., 260' SW of Valley View Ave.

Remarks:

Posted by: LES Date of return: 9/27/95

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/21, 1995.

THE JEFFERSONIAN,
A. Henrichson
TOWSON, MD.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 9/29/95 ACCOUNT 96-94-SA

AMOUNT \$ 285.00

RECEIVED FROM Brian Macari

FOR 96-94-SA

VALIDATION ON SIGNATURE OF CASHIER

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL RESULT IN ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 70

Petitioner: Brian Macari

Location: East Side of Hilton Ave., 260' SW of c/l Valley View Ave.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Brian Macari

ADDRESS: Four Basswood Court

Baltimore MD 21218

PHONE NUMBER: (410) 719-9344

At: ggs

(Revised 04/09/93)

TO: FUTURE PUBLISHERS OF THE
September 21, 1995 Issue - Jeffersonian

Please forward billing to:

Howard L. Alderman, Jr., Esq.
305 W. Chesapeake Avenue
6113
Towson, MD 21204
321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-94-SA (Item 70)
E/S Hilton Avenue, 260' SW of c/l Valley View Avenue
Oak Forest Glen
1st Election District - 1st Councilmanic
Legal Owner: Brian Macari

Special Variance to permit 12 building lots, as shown on the plat and the development plan for "Oak Forest Glen".

HEARING: MONDAY, OCTOBER 16, 1995 at 10:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 12, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING
Project Number: P-282
Project Name: Oak Forest Glen
Developer: Brian Macari and Evergreen Homes
Location: E/S Hilton Avenue, S of Valley View Avenue
Acreage: 6.06
Proposal: 12 single family dwellings

CASE NUMBER: 96-94-SA (Item 70)
E/S Hilton Avenue, 260' SW of c/1 Valley View Avenue
Oak Forest Glen
1st Election District - 1st Councilmanic
Legal Owner: Brian Macari

Special Variance to permit 12 building lots, as shown on the plat and the development plan for "Oak Forest Glen".

HEARING: MONDAY, OCTOBER 16, 1995 at 10:30 a.m. in Room 118, Old Courthouse.

Carl Jablon
Arnold Jablon
Director

cc: Brian Macari
Howard L. Alderman, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 12, 1995

Howard L. Alderman, Jr.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

RE: Item No.: 70
Case No.: 96-94-SA
Petitioner: Brian Macari

Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 16, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 6, 1995
FROM: J. Lawrence Pilson
Development Coordinator, DEPRM
SUBJECT: Zoning Item #70 - Oak Forest Glen
E/S Hilton Avenue
Zoning Advisory Committee Meeting of August 28, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with Article X, the Forest Conservation Act.

JLP:MK:sp

OAKFORES/DEPRM/TXTSBB

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: Sept. 7, 1995
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division
RE: Zoning Advisory Committee Meeting
for September 5, 1995
Item No. 070

The Development Plans Review Division has reviewed the subject zoning item. See our comments for the Development Plan Conference of July 26, 1995 and the waiver of Dept. of Public Works standards, dated July 31, 1995 to Arnold Jablon from Thomas Hamer, Deputy Director of Public Works for the Oak Forest Glen subdivision.

The proposed street trees delineated on the plan do not reflect what the ultimate streetscape will be on the final landscape plan.

RWB:sw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: September 1, 1995
FROM: Pat Kaller, Director
Office of Planning
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):
Item Nos. 65, 66, 67, 68, 70, 75, 76, 79, 82, 85, 86, 88, 90, and 91

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*
Division Chief: *Carol Kaller*

PK/JL

ITEM62/PZONE/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/30/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 28, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 66, 67, 68, 69, 70, 71, 73, 74, 75, 77, 79 & 80.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

RECEIVED
SEP 5 1995
ZADM

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on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-30-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 070 (MSK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

10/26/95
CHRIS BORRE
To: *[Signature]*
Re: Oak Forest Glen
I-282

The ORDER is in and
dated 10/26/95. We
await the 10 HOH
plans -

SC
+ Case No
96-94 SA =
waiver of PW
standards
(Carol)

Arnold Jablon
Director
Baltimore County Department
of Permits and Development Management
County Office Building
111 West Chesapeake Ave.
Towson, Maryland 21204

Dear Mr. Jablon,

This site was subject of a special variance based on hardship in June 1994.

Immediately subsequent to the special variance, Brian Macari became owner of the property and proceeded with a project to build twelve (12) homes on the property.

This project will undoubtedly have a cumulative effect on existing problems that brought about the moratorium.

BY BARBARA GUARDINO

It seems that the equally sized district's necessity isn't the key, especially when it comes to controlling the number of people and other traffic matters. "We have a lot of people who live in the district, many of whom have moved there from other areas," says a spokeswoman for the district. "We have a lot of people who live in the district, many of whom have moved there from other areas."

A block break of results in the district has benefited the public's frustration.

For example, Developer Seville and the intersection of Fremont and 7th Street had a lot of traffic. The intersection is now close to the intersection of Fremont and 7th Street, and the intersection is now close to the intersection of Fremont and 7th Street.

The 1995 Kansas Plan intended a lot of traffic to be made. The Kansas Plan intended a lot of traffic to be made. The Kansas Plan intended a lot of traffic to be made.

“We [regulators] are keeping in contact with each other so we don’t duplicate one another’s efforts,” says John J. Conner, a city engineer who is working with the State Highway Administration to improve the administration of Federal and Rolling road programs.

The number of recorded injury accidents between the Belloway and Rolling roads has actually declined since the formation of a Traffic Analysis division of the Baltimore County Police Department began keeping records in 1991.

In 1991, in response to gridlock caused by development, Manley requested a traffic study along S. Rolling Road from the Maryland State Route 40. The report was completed in 1992 and showed that as a group of 50 volunteers did the job themselves. The grassroots movement, however, did not end the cause of the results. Manley says.

The intersection of S. Rolling and Valley roads near Carrollville Community Center was labeled a “bottleneck” in 1992. The state scheduled an upgrade in 1994, but a hiatus happened.

ACCIDENTS IN DECLINE

Police Department, statistics show a decline in traffic accidents in Baltimore County for the past several years.

The number of accidents in Baltimore County for the past several years is shown in the table below.

Year	FREDERICK ROAD ROUTE 40 AND TO HOLLYWOOD AVENUE	GREENBROOK AVENUE ROUTE 40 AND TO HOLLYWOOD AVENUE
1987	51	34
1988	53	42
1989	50	44
1990	48	38
1991	45	35
1992	43	33
1993	40	31
1994	38	29
1995	35	27
1996	33	25

SOURCE: BALTIMORE COUNTY POLICE DEPARTMENT

The Catonsville Times August 9, 1995



BY SEANA KELLY-COFFIN

The startling red, white, blue and yellow lights on August 10, 1988, lit the way the feel of a mobile city.

A caravan of more than 40 cars representing Citizens of Pinedale groups from across the county, including the Pinedale Project Express, was intended to send a message to anyone who would disturb the place. You are not welcome, they said. Come. Come. Come. Night after night, members of CUP marched this message each time they stepped out.

[illegible]

